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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/800,543	BURMEISTER, STEFAN J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chih-Cheng Glen Kao	2882	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/15/04.
2. ☒ The allowed claim(s) is/are 1-3,5,6,8-11,18-20,22-25 and 27-35.
3. ☒ The drawings filed on 09 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                 | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### **REASONS FOR ALLOWANCE**

1. Claims 1-3, 5, 6, 8-11, 18-20, 22-25, and 27-35 are allowed.

The following is an examiner's statement of reasons for allowance. Although Gilliland et al. (US Patent 5812582) discloses a Vertical Cavity Surface Emitting Laser ("VCSEL") in a TO can (Fig. 1) and Jiang et al. (US Patent 5757829) discloses a second VCSEL having a second optical power output to provide an indication of the first optical power output of a first VCSEL (Figs. 4 and 5), the claims are allowed for the reasons given below.

2. Regarding claims 1 and 27, prior art does not disclose or fairly suggest an apparatus or method including exactly one second Vertical Cavity Surface Emitting Laser ("VCSEL") having a second optical power output that is proportional to but substantially different from a first optical power output of exactly one VCSEL and monitoring the second optical power output of the second VCSEL to provide an indication of the first optical power output, in combination with all the limitations in each respective claim. Claims 2, 3, 5, 6, 8-11, 28, 30, 31, and 34 are allowed by virtue of their dependency.

3. Regarding claim 18, prior art does not disclose or fairly suggest an apparatus including exactly one first VCSEL in a can providing light directed toward an optical window and exactly one second VCSEL mounted in said can providing light directed towards a monitoring diode and having a second optical power output that is proportional to but substantially different from a first optical power output of the first VCSEL, in combination with all the limitations in the claim. Claims 19, 20, 32, 33, and 35 are allowed by virtue of their dependency.

4. Regarding claim 22, prior art does not disclose or fairly suggest a method including a second VCSEL having a second optical power output that is proportional to but substantially different from a first optical power output and mounting a VCSEL array and means for monitoring optical power output of the second VCSEL in a TO can, in combination with all the limitations in the claim. Claims 23-25 are allowed by virtue of their dependency.

5. Regarding claim 29, prior art does not disclose or fairly suggest a method including monitoring a first optical power output of exactly one first VCSEL by separately monitoring a second optical power output of exactly one second VCSEL coupled in parallel therewith, the second optical power output being proportional to but substantially different from the first optical power output, in combination with all the limitations in the claim.

### ***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571) 272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



gk



EDWARD J. GLICK  
SUPERVISORY PATENT EXAMINER